



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,912	09/23/2004	Bernard Grehan	92936	8162
24628	7590	09/20/2006	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/508,912	GREHANT, BERNARD	
	Examiner	Art Unit	
	Nam V. Nguyen	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Grehan for a “remote control device for an actuator” filed September 23, 2004 has been examined.

This application claims foreign priority based on the application 02/03892 March 28, 2002 in France. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

This application claims priority to a 371 of PCT/IB03/01106, which is filed on March 21, 2003.

A preliminary amendment to the claims 1-9 has been entered and made of record. Claims 1-9 are cancelled. The new set of claims 10-18 are introduced.

Claims 10-18 are pending.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to under 37 CFR 1.83(a) because they fail to label boxes (1-200) in Figure 1 and label boxes (S1 to S4) in Figure 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 2, last paragraph is unreadable. An appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US# 5,986,571) in view of Gosling (US# 6,618,754).

Referring to claims 10 and 17-18, Flick discloses a method and a device (11) (i.e. a building security controller) for the remote control of a sensor (20) (i.e. a building sensor) for the security or monitoring installation of a building (10) (i.e. a building security system) (column 3 lines 39 to 65; see Figures 1 to 3), comprising a processing unit (12) (i.e. a CPU), a command transmitter (50) (i.e. a remote transmitter), and a transfer means (13) (i.e. a transmitter and receiver), the device (11) configured to transfer to the processing unit (12), from the command transmitter (12), a processing program relating to the operation of the actuator and/or of the sensor (20) (column 8 lines 27 to 62; column 9 lines 1 to 24; see Figures 5 to 7).

However, Flick did not explicitly disclose said processing program stored in directly executable form.

In the same field of endeavor of remote control system, Gosling teaches a processing program (i.e. executable code) stored in directly executable form (column 4 lines 31 to 41;

Art Unit: 2612

column 11 lines 11 to 29; see Figures 3-5) in order to update and to control any of the enclosure equipment remotely.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize that a client user can download embedded applications to control the enclosure taught by Gosling in a building security system controlling building sensors of Flick because using an executable code would be easily to install and to execute easily by a client.

Referring to Claim 11, Flick in view of Gosling disclose the device according to claim 10, Flick discloses wherein the actuator is configured to drive a closure element (i.e. an auxiliary relay output) (column 4 lines 1 to 10; see Figures 3-4).

Referring to Claim 12, Flick in view of Gosling disclose the device according to claim 10, Flick discloses wherein the processing unit, a radio transmitter, and the actuator define a communication, processing and actuation unit, said radio transmitter configured to communicate in a reception mode and in a transmission mode with any radio frequency device sharing the same transmission protocol, wherein the communication, processing and actuation unit is configured to receive, store, and execute the processing program (column 3 lines 40 to 65; see Figures 1 to 3).

Referring to Claim 13, Flick in view of Gosling disclose the device according to claim 12, Flick discloses wherein the processing unit (12) comprises a microprocessor which executes

Art Unit: 2612

one or more programs contained in a program memory (14) having at least one reprogrammable portion (column 6 lines 46 to 59; column 9 lines 13 to 24; see Figure 6).

Referring to Claim 16, Flick in view of Gosling disclose the device according to claim 10, Flick discloses wherein the command transmitter (50) contains the executable program to be transferred, and includes a two-way transmitter (57), a processing and actuation unit (52), and a control unit (56), in which the program to be transferred is stored (column 4 lines 11 to 31; see Figure 2).

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US# 5,986,571) in view of Gosling (US# 6,618,754) as applied to Claim 13, and in further view of Esfahani et al. (US# 6,434,695).

Referring to Claim 14, Flick in view of Gosling disclose the device according to claim 13, however, Flick in view of Gosling did not explicitly disclose wherein a non-erasable program memory contains a storage area configured to store at least one code segment relating to the type of hardware installed in the processing unit and wherein the reprogrammable memory contains a storage area configured to store at least one code segment relating to an application.

In the same field of endeavor of programming an operating system, Esfahani et al. teach hardware initialization code store in ROM and software store in RAM (column 4 lines 6 to 25; see Figures 1 and 2) in order to improve reliability and to reduce reprogramming cost.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize that using a ROM to store hardware initialization code and a RAM to store an software taught by Esfahani et al. in a building security system of Flick in view of Gosling because using ROM and RAM to store hardware code and software application would reduce reprogramming code of a security system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sanderford, Jr. (US# 5,408,217) discloses a secure fire/security/sensor transmitter system.

Drori (US# 5,650,774) discloses an electronically programmable remote control access system.

Christenson (US# 5,933,090) discloses a method and apparatus for field programming a remote control system.

Hecht et al. (US# 6,131,159) disclose a system for downloading programs.

Iggulden et al. (US# 6,882,712) disclose a method and apparatus for setting programmable features of an appliance.

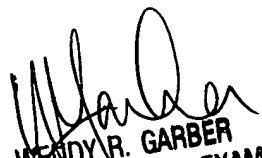
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571- 272-7308. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
September 14, 2006


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2612